

## THE CITY OF CLAYTON

Board of Aldermen Meeting  
Council Chambers - 10 N. Bemiston Avenue  
June 28, 2011  
7:00 p.m.

### Minutes

Mayor Goldstein called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Steve Lichtenfeld, Judy Goodman, Michelle Harris, Andrea Maddox-Dallas,  
Cynthia Garnholz, and Mark Winings

Mayor Goldstein  
City Manager Owens  
City Attorney O'Keefe

Mayor Goldstein asked for any questions or comments relating to the June 14, 2011 minutes, which were previously provided to the Board.

**Alderman Goodman moved to approve the June 14, 2011 minutes. Alderman Lichtenfeld seconded the motion.**

**The motion passed unanimously on a voice vote.**

### **PUBLIC REQUESTS AND PETITIONS**

State Representative Stacey Newman gave a brief overview of what has been happening in the State Legislature and how it could possibly affect the community. Representative Newman said that their sessions have been very different this year than it had been in 2010 because out of 163 state representatives almost half of them are new freshmen which really changed the dynamics. Representative Newman felt that they had more thoughtful and less heated discussions and quite a few crossover votes on less partisan issues. Representative Newman reported on some of the "good" bills that came before the floor such as: Extending the Missouri RX Plan that will help 230,000 low income, disabled, and elderly individuals until 2014; The Domestic Violence Legislation that will address definitions in current domestic violence law and will include orders of protection for individuals younger than 18 years of age; The Human Trafficking Bill which increased the maximum penalties; The Medicaid Fee Bill which would reinstate the fees charged to hospitals that generate more than \$3 billion annually through the State's Medicaid program. Representative Newman reported on some of the "bad" bills such as: Professional Redistricting which will eliminate one congressional seat for the state; Corporate Tax Cut which would eliminate the corporate franchise tax; Voter Photo Identification which would require voters to present a government issued photo identification when casting a ballot. Representative Newman thanked the Board and urged them to be very active in such issues that will affect the community of Clayton.

City Manager Owens announced that the City of Clayton joins with the National Recreation and Park Association (NRPA) in recognizing the month of July as "Parks & Recreation Month". Celebrations will be held throughout the City in July as they encourage the community to walk, bike, and swim and play in the City parks.

## AN ORDINANCE TO APPROVE A CONDOMINIUM PLAT LOCATED AT 6615 ALAMO AVENUE

City Manager Owens reported that on June 14, 2011, the City of Clayton received an application, plat and supporting documents from Sam Chimento, owner of 6615 Alamo Avenue for approval of a condominium plat at that address to be known as 6615 Alamo Condominium.

The subject 3 story building contains nine (9) units. An inspection of the property was conducted and there are no current housing code violations.

**Alderman Lichtenfeld introduced Bill No. 6266 an ordinance approving a plat of 6615 Alamo Avenue Condominium to be read for the first time by title only. Alderman Goodman seconded.**

In response to the Board's questions, Mr. Sam Chimento, owner, stated that he currently has one of the units under contract while they are transitioning the rental units into condos. He said that they will be selling the units at \$300,000 to \$400,000 each.

**City Attorney Heinz reads Bill No. 6266 an ordinance approving a plat of 6615 Alamo Avenue Condominium for the first time by title only.**

**The motion passed unanimously on a voice vote.**

**Alderman Lichtenfeld introduced Bill No. 6266 an ordinance approving a plat of 6615 Alamo Avenue Condominium to be read for the second time by title only. Alderman Goodman seconded.**

**City Attorney Heinz reads Bill No. 6266 for the second time. Alderman Lichtenfeld – Aye; Alderman Goodman – Aye; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; and Mayor Goldstein – Aye. The Bill was adopted and became Ordinance No. 6149 of the City of Clayton.**

## AN ORDINANCE TO APPROVE AN AMENDMENT OF CHAPTER 620 REGARDING RENEWAL OF TAXICAB STANDS

City Manager Owens reported in the course of developing the FY2012 budget and a request from a taxicab company, the staff is reviewing the taxicab stand ordinance. Currently, the City has two locations for taxicab stands – one at the St. Louis County Government Center (4 spaces) and one at the Ritz-Carlton (5 spaces) yielding a total of \$2700 annually. The fee has not been changed since 1974.

The staff is proposing an ordinance to amend the City's Code of Ordinances, Chapter 620 to extend the due date of taxicab stand fees from July 1 to October 1. This one time extension will provide sufficient time for the staff to study the issues and propose a restructuring of the pertinent code sections and an appropriate fee for the stands. This extension will also change the license period to run concurrent with the City's fiscal year.

**Alderman Lichtenfeld introduced Bill No. 6267, an ordinance amending Section 620.060 of the Clayton City Code to revise the scheduling of annual fee payments for use of reserved taxi stand spaces to coincide with the city's fiscal year and extending incumbent reservations to facilitate such revision to be read for the first time by title only. Alderman Goodman seconded.**

**City Attorney Heinz reads Bill No. 6267 an ordinance amending Section 620.060 of the Clayton City Code to revise the scheduling of annual fee payments for use of reserved taxi stand spaces to coincide with the city's fiscal year and extending incumbent reservations to facilitate such revision for the first time by title only.**

**The motion passed unanimously on a voice vote.**

**Alderman Lichtenfeld introduced Bill No. 6267, an ordinance amending Section 620.060 of the Clayton City Code to revise the scheduling of annual fee payments for use of reserved taxi stand spaces to coincide with the city's fiscal year and extending incumbent reservations to facilitate such revision to be read for the second time by title only. Alderman Goodman seconded.**

**City Attorney Heinz reads Bill No. 6267 for the second time. Alderman Lichtenfeld – Aye; Alderman Goodman – Aye; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; and Mayor Goldstein – Aye. The Bill was adopted and became Ordinance No. 6150 of the City of Clayton.**

**AN ORDINANCE APPROVING A CANOPY EASEMENT AGREEMENT FOR THE STERLING BANK RENOVATION PROJECT AT 50 S BEMISTON AVENUE**

City Manager Owens reported that this is an ordinance to approve an easement agreement related to the Sterling Bank Renovation Project located at 50 South Bemiston Avenue. The easement is for an entrance canopy facing South Bemiston Avenue that encroaches approximately 4 feet into the public right-of-way. At the March 7, 2010 City Plan Commission/Architectural Review Board Meeting, representatives of Sterling Bank requested approval of a renovation of the building at 50 S Bemiston Avenue which includes both exterior and interior improvements. Plan Commission/Architectural Review Board approved Sterling Bank's request contingent upon the aerial rights easement for the encroachment of the entrance canopy facing South Bemiston be filed with the County Recorder of Deeds and proof of filing be provided to City staff.

The proposed canopy is to be attached to the west elevation of the building directly above the front entrance. As shown in Exhibit C within the Aerial Easement, the proposed easement is 4 feet wide and 40 feet long. The vertical envelope of the easement starts at 9 feet and ends at 15 feet above the existing grade of the sidewalk. Public Works has reviewed the easement and does not foresee any conflict with the existing or known future uses of the public right-of-way.

**Alderman Lichtenfeld introduced Bill No. 6268, an ordinance approving a canopy easement agreement for a canopy to the Sterling Bank Renovation Project to be read for the first time by title only. Alderman Goodman seconded.**

In response to Mayor Goldstein's question, Mike Pratt explained that the agreement will protect the City from any liabilities that may occur.

**City Attorney Heinz reads Bill No. 6268 an ordinance approving a canopy easement agreement for a canopy to the Sterling Bank Renovation Project for the first time by title only.**

**The motion passed unanimously on a voice vote.**

**Alderman Lichtenfeld introduced Bill No. 6268, an ordinance approving a canopy easement agreement for a canopy to the Sterling Bank Renovation Project to be read for the second time by title only. Alderman Goodman seconded.**

**City Attorney Heinz reads Bill No. 6268 for the second time. Alderman Lichtenfeld – Aye; Alderman Goodman – Aye; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; and Mayor Goldstein – Aye. The Bill was adopted and became Ordinance No. 6151 of the City of Clayton.**

**A RESOLUTION TO APPROVE A CONTRACT WITH THORNBURGH ABATEMENT FOR THE SELECTIVE DEMOLITION AND ENVIRONMENTAL ABATEMENT PROJECT, 10 SOUTH BRENTWOOD**

City Manager Owens reported that bids were opened at 2:00 pm on June 15, 2011, for the Selective Demolition and Environmental Abatement Project, 10 South Brentwood. Contractors were invited to bid on the selective demolition, the environmental abatement, or both. The successful bidder(s) will have sixty (60) calendar days after receipt of Notice to Proceed to complete the work. This project is the first phase of renovating and converting 10 South Brentwood into a municipal and police facility. The City received five responsive bids with Thornburgh Abatement submitting the lowest bid in the amount of \$1,225,442.00.

Contractor(s) shall be required to track, sort, and dispose of construction waste in support of LEED Silver certification and requirements of the Missouri Department of Natural Resources / American Recovery and Reinvestment Act (ARRA) Grants.

The Scope of Environmental Abatement includes the selective removal and subsequent off-site disposal of the following:

1. Asbestos-containing building materials (ACBM).
2. Asbestos-contaminated dust.
3. Miscellaneous environmental hazards, such as fluorescent bulbs and ballasts.

The Department of Public Works is requesting approval of the contract for \$1,225,442.00, which represents the bid submitted by Thornburgh Abatement. In addition, the Director of Public Works requests authorization to approve change orders in an amount not to exceed \$184,000.00, which is approximately 15% of the project cost. This contingency would be used to cover expenditures to correct unknown site issues that become apparent during the project.

Recommendation is to approve the resolution authorizing a contract with Thornburgh Abatement, in the amount of \$1,225,442.00, plus a contingency of \$184,000.00 for the Selective Demolition and Environmental Abatement, 10 South Brentwood Project.

**Alderman Lichtenfeld moved to approve Resolution No. 11-24, a contract with Thornburgh Abatement for the selective demolition and environmental abatement project at 10 South Brentwood. Alderman Goodman seconded.**

In response to the Board's questions, City Manager Owens stated that Thornburgh Abatement has worked on various projects within Clayton. Todd Sweeney, Paric Corporation, stated that they have worked with Thornburgh Abatement Company on many occasions and that they are very experienced with demolition projects.

Mr. Sweeney stated that the bidding process began when the documents were completed on May 25; bid advertisement was on May 28-29 for the first time. They held a pre-bid meeting on June 8 and an open house walk-through of the building on June 10 where 25 people attended. He explained that in the next round, the Board will be presented at least six additional packages

which will be presented to the Board at one time which he anticipates doing so at a September meeting.

**The motion passed unanimously on a voice vote.**

#### A MOTION TO APPOINT MEMBERS TO THE BOARDS AND COMMISSIONS

Mayor Goldstein said that every year there seems to be a certain element of confusion and initially this year there was some confusion of a "seventh" seat on Parks and Recreation and a rotating seat which has now been resolved. She has received questions about the term limits and added that they are fortunate to have great talent in the community and it seems contradictory to send personal invitations to the budget meetings and yet there are some committees who have served literally almost 20 years. She began looking into specific ordinances and researched her files on the Board and Commission folder and discovered that the guide for citizens, advisory boards committees was updated in 2005. She also checked online where it defines the boards' service and the composition of some of the boards and she really understood why there is confusion. There are a lot of inconsistencies and some unclear information. She feels that things need to be clarified before the Board approves appointments and recommends that the Board postpone appointments until they have an opportunity to review all of the concerns.

Alderman Lichtenfeld expressed his support in postponing the appointments until the Board of Aldermen have an opportunity to clarify their concerns.

Alderman Goodman commented that she is in support of postponing and also expressed the urgency of forming the Centennial Task Force.

**Alderman Goodman moved to table the motion to appoint members to the Boards and Commissions. Alderman Lichtenfeld seconded.**

**The motion passed unanimously on a voice vote.**

#### A MOTION TO APPOINT PROVISIONAL MUNICIPAL JUDGE & A MOTION TO APPOINT MEMBERS TO THE BOARDS AND COMMISSIONS

City Manager Owens reported that in preparation for appointments to the City's Boards and Commissions, the Board became aware that the terms of office of the provisional judges appointed in 2008 had expired. Per the Board's discussion at its May 24 meeting, Mayor Goldstein requested that the Board submit nominations for provisional judges in order to keep the list current. A provisional judge substitutes at Municipal Court when the Municipal Judge is absent. The following individuals have been nominated for appointment:

Ward 1 – Jeanne Knowles Townsend, 6331 Alexander Drive (Appointment for a two year term through June 30, 2013)

Ward 2 – Nancy Watkins, 7419 York (Appointment for a two year term through June 30, 2013)

Ward 3 – Dan Raniere, 60 Brighton Way (reappointment for a two year term through June 30, 2013)

**Alderman Lichtenfeld moved to approve the appointments of the provisional judges. Alderman Goodman seconded.**

**The motion passed unanimously on a voice vote.**

Other

Mayor Goldstein informed the Board that information will be sent regarding dates to hold a Board of Aldermen retreat sometime in July or August. The retreat will be one full day and one-half day, possibly a Friday/Saturday combination.

Alderman Lichtenfeld commended the Parks Department on recognition of the month of July as Parks & Recreation month and encouraged everyone to participate in the various activities listed on the flyer.

Alderman Lichtenfeld thanked the staff and commended them on a good job of the year-round activities and opportunities.

Alderman Lichtenfeld commented about the article that appeared two weeks ago in the *Post-Dispatch* regarding the hours of fire department employees and how Clayton was favorable.

Alderman Lichtenfeld commended the Police Department on a job well done in apprehending a burglar that had broken into several homes.

Alderman Goodman reported that Washington University with Clayton Century Foundation history held a joint lecture event on their campus last week with Gene Mackey as the presenter. The event was about Robert Brookings receiving a star in the U-City Delmar Loop.

Alderman Harris complimented the staff on a job well done at the Public Budget Forum.

Alderman Garnholz commented that she attended the Chamber of Commerce sponsored Budget Forum and felt that it was well attended and well received.

Alderman Winings commented that he attended a neighborhood meeting at the Barclay House and was aware that several of the citizens made comments and also referenced the City with questions that related to the Clayton School Board responsibilities, more specifically the Turner Case.

There being no further discussion the meeting adjourned at 8:27 p.m.

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Mayor

ATTEST:

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City Clerk